

MAKING IT BIG IN VEGAS

CGB CC 0548

To whom it may concern.

July 5, 2006

RECEIVED & INSPECTED

JUL 10 2006

FCC - MAILROOM

My name is Alphonso Monterio and I'm a client with UPN(KTUD). I'm writting you in regards to the FCC closed caption policy. I'm starting a television show on UPN called "Making It Big In Vegas". In the show I give each artist three minutes to showcase their material. I air seven artist per show which will break down to 21 minutes of music and seven minutes and two seconds of audio(spoken word). In my understanding of the FCC policy is that late night shows maybe exempt of the closed caption policy. and that you have six minutes of spoken word audio before closed caption is necessary.

This is also my first year of operation, and I am new to the industry. I invested alot into the show and equipment. Due to the fact I am doing this show on my own. My show starts airing July 9,2006 and will run for thirteen weeks. The show cost \$275.00 per airing, and my research that I've done on closed captioning came out to be \$300.00 per airing with up to a week or a week and a half wait. I also have to have my show into UPN every Wednesday. So as you can see, closed captioning is and would be an undue burden considering, it cost more to have closed captioning for my show then the show itself.

This is also my first year of operation, and I am new to the industry. I also do my own editing, and purchase camera tape, editing software. It's also hard to get sponsors at this time. So far I only have one sponsor, and I'm in the process of getting more. My address is 9717 Villa Lorena Ave. Las Vegas, NV. 89147, also you can reach me at 702-446-3082, and my e-mail is sfnpbh@aol.com

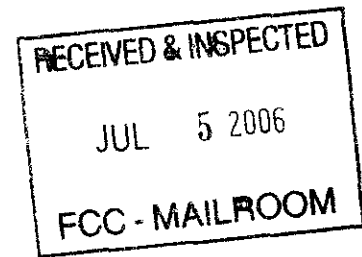
Thank You.
Alphonso Monterio

Alphonso Monterio

Document Index Terms

1. Proceeding Name: _____
Docket Number (7) 06-181
Or
Rulemaking Number (7) _____
2. Date of Filed Documents: _____
3. Name of Applicant/Petitioner Lithia Advertising
Department
4. Law Firm Name _____
5. Attorney/Author Name (last, first, middle)
Bob Yoshida
6. File Number _____
7. Document Type RD
8. FCC/Delegated Authority Number _____
9. Released/Denied Date _____
10. Receipt/Adopted/Issued Date 7/5/06
11. Exparte/Late Filed _____
12. Viewing Status: UNRESTRICTED
CORRESPONDENCE
NOT FOR PUBLIC INSPECTION
SUNSHINE _____
13. Mail Correspondence To: (required) Name _____ Law Firm _____ Attorney _____
O O O
14. Mailing Address for Correspondence
360 E Jackson
15. City Medford 16. State OR
17. Zip Code 97501
18. Email ID _____
- SAVE FILE AS: _____
- CONFIRMATION NUMBER: _____

CGB-CC-0546



June 27, 2006

Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street, Southwest
Washington, DC 20554

Re: Request for full Exemption from Close Captioning Requirements

Good Day:

LAD Advertising requests this petition for exemption from Close Captioning Requirements on the basis of undue burden. We produce local paid long form programming/infomercials (29:30) in length for an automotive retailer. Due to the nature of this time sensitive material these projects are not scripted, feature products (retail vehicles) that have a short shelf life, "one only" used vehicles and factory incentives and offers that expire.

We produce these infomercials in 36 to 72 hours after shooting. The products (Retail Vehicles) are sold on a daily basis thus making our program content extremely time sensitive. Due to numerous State advertising guidelines we must have featured retail vehicles in stock and available for sale when the programming/infomercial airs on broadcast television.

To shoot, produce and ship our programming/infomercial's as quickly as possible to meet these State requirements, our talent is completely unscripted. We have received a quote to transcribe and add Close Captioning to our current programming/infomercials that will add an additional Fourteen (14) days, not including shipping, between project completion and air date.

This undue burden will create a situation where Television viewers might see an advertised retail vehicle, factory incentive or offer that has already been sold and is no longer in stock and or inventory, or has expired. That is a violation of numerous State Attorney's General's legal advertising requirements regarding Automotive Advertising.

Title 13, California Code of Regulations, § 260.04:

(a) No dealer shall advertise a specific vehicle or a class of vehicles for sale, unless such vehicle(s) is in the dealer's possession, or is available to the dealer pursuant to a franchise agreement with the manufacturer or distributor of the vehicle(s). An advertisement of a vehicle not in a dealer's possession must so indicate, and must include a reasonable estimate of the date such vehicle will be available from the franchisor for delivery to a prospective purchaser.



Page 2
LAD Advertising
6/27/06

Not only will there be an undue burden with the additional time delay getting our clients time sensitive messages on the air, there will be an increase in production costs to our clients of approximately \$500 per program.


Currently all LAD Advertising produced programming/infomercial's comply with numerous State regulations and requirements including fully visible and detailed electronic, on-screen graphics and disclaimers regarding offer, factory incentive, price and terms of any and all specific conditions or terms of agreements.

Placing Close Captioning on each program will force our clients out of compliance with numerous state regulations and guidelines and create a situation where Television viewers/customers may see a specific vehicle or specific factory incentive and offer they want, come in to the advertised retail location to purchase that specific vehicle or transact that specific factory incentive or offer and find that it was sold and/or is no longer in inventory or the factory incentive or offer has expired.

In conclusion, the additional time required to place Close Captioning on each long form (29:30 minute) program/infomercial we produce for our automotive clients will force them out of compliance and into violation of numerous State automotive advertisement regulations and requirements.

Thank you for your consideration of this matter.

Best Regards,



Bob Yoshida
Legal Compliance
LAD Advertising
360 E. Jackson Street
Medford, OR 97501

CLIENT: KTXE-TV
ATTN: ACCOUNTING DEPT
P O BOX 2997
ABILENE, TEXAS



SAN ANGELO

P.O. Box 2997, Abilene, Texas 79604



ORDER TYPE	AGENCY ESTIMATE NO.
REVISION-02	
INVOICE NUMBER	BROADCAST MONTH
INV# 7940-01	5/01-05/28/06
SCHEDULE DATES	BILLING PERIOD
5/04-05/21/06	STANDARD

AGENCY: LAD ADVERTISING
360 EAST JACKSON
MEDFORD, OR
97501

REPRESENTATIVE	SALESPERSON
	BECKY CRAWFORD
ADVERTISER	PRODUCT
ALL AMERICAN CHEVROLET	ALL AMERICAN CJD/#4409

NET DUE 30 DAYS

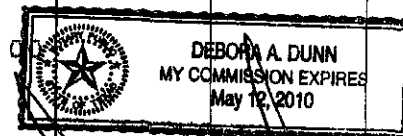
SCHEDULE										ACTUAL BROADCAST						RECONCILIATION			
M	TU	W	TH	F	SA	SU	TIME	RATE	NO.	DATES	DAY	TIME	WPE SEC	WVG FOR	COPY NUMBER	RATE	DEBIT	CREDIT	REMARKS
X			X	X			1100AM-1130AM	150.00	2	5/04	TH	1100A	30 00			150.00			
										5/05	FR	1100A	30 00			150.00			
			X	X			1100AM-1130AM	150.00	2	5/18	TH	1100A	30 00			150.00			
										5/19	FR	1100A	30 00			150.00			
					X		0100PM-0130PM	150.00	1	5/06	SA	100P	30 00			150.00			
					X		0330PM-0400PM	150.00	1	5/06	SA	330P	30 00			150.00			
							1100AM-1130AM	150.00	1	5/15	MO	1100A	30 00			150.00			
		X					1100AM-1130AM	150.00	1	5/16	TU	1100A	30 00			150.00			
					X		0130PM-0200PM	150.00	1	5/20	SA	130P	30 00			150.00			
					X		1030AM-1100AM	150.00	1	5/21	SU	1030A	30 00			150.00			
					X		0230PM-0300PM	150.00	1	5/20	SA	230P	30 00			150.00			
					X		1030AM-1100AM	150.00	1	5/14	SU	1030A	30 00			150.00			
					X		1200PM-1230PM	150.00	1	5/14	SU	1200P	30 00			150.00			
					X		0130PM-0200PM	150.00	1	5/13	SA	130P	30 00			150.00			
					X		0100PM-0130PM	150.00	1	5/13	SA	100P	30 00			150.00			
SCHEDULE COST FOR THIS BILLING PERIOD										ACTUAL GROSS BILLING		AGENCY COMMISSION		NET DUE		SUB-TOTALS		RECONCILIATION	
2,250.00										2,250.00		337.50		1,912.50					

DEBORAH A. DUNN
MY COMMISSION EXPIRES
May 12, 2010

COPIES

VOICE / AFFIDAVIT

150.00 COPY



INVOICE / AFFIDAVIT

VOICE AFFIDAVIT COPY 2
 360 EAST JACKSON ST
 MEDFORD, OR
 97501



REMITT: KSAN-TV
 4510 SOUTH 14TH
 ABILENE, TX
 ATTN: ACCOUNTING DEPT
 79605

REPRESENTATIVE	SALESPERSON
ADVERTISER	HELENIS, JOSHUA (AGENCY)
PRODUCT	ALL AMERICAN GROUP-SA ALL AM CJD/HON XMAS AP

ORDER TYPE	AGENCY ESTIMATE NO.
REVISION 01	
CONTRACT NUMBER	BROADCAST MONTH
2184	3/27-04/30/06
SCHEDULE DATES	BILLING PERIOD
4/06-04/15/06	STANDARD

SCHEDULE										ACTUAL BROADCAST										RECONCILIATION									
M	TU	W	TH	F	SA	SU	TIME	RATE	NO.	DATES	DAY	TIME	MTWTFSS	MG FOR	PRODUCT/FILM	RATE	DEBIT	CREDIT	REMARKS										
							1134AM	150.00	1	4/06	TH	1134A	30 00		4242	150.00													
							1234PM	200.00	2	4/08	SA	1234P	30 00		4242	200.00													
							1204AM	50.00	2	4/08	SA	1204A	30 00		4242	50.00													
							0604AM	75.00	1	4/09	SU	604A	30 00		4242	75.00													
							1104AM	150.00	1	4/11	TU	1104A	30 00		4242	150.00													
							1134AM	125.00	3	4/10	MO	1134A	30 00		4242	125.00													
										4/13	TH	1134A	30 00		4242	125.00													
										4/14	FR	1134A	30 00		4242	125.00													
SCHEDULE COST FOR THIS BILLING PERIOD										1,250.00																			
ACTUAL GROSS BILLING										1,250.00																			
AGENCY COMMISSION										187.50																			
NET DUE										1,062.50																			
SUB-TOTALS																													
RECONCILIATION																													

FILE COPY

LANNA KAYE VERNER
 Notary Public, State of Texas
 My Commission Expires
 March 18, 2009

Station KSAN-TV warrants that the information shown on this invoice concerning the dates, times, durations, commercial identifications and sponsors of commercial announcements broadcast, is true and correct and was taken from the Commercial Record produced and maintained at the station, and will be made available, as will other records adequate to verify performance of conditions of sales, on request, for inspections by Advertiser of Agency for a minimum of 12-months from the month of Broadcast.

Audrey Johnston, Accounting Assistant, KSAN-TV
 Subscribed and sworn to before me this 15 day of May, 2006
 Lanna Kaye Verner
 Notary Public, Taylor County

KSAN TV

3 San Angelo

REMIT: KSAN-TV
 4510 SOUTH 14TH
 ABILENE, TX
 ATTN: ACCOUNTING DEPT
 79605

REPRESENTATIVE	SALESPERSON
ADVERTISER	*LEWIS, JOSHUA (AGENCY)
PRODUCT	ALL AM CJD/HON BSKBALL

KSAN-TV	02/27/06	PAGE:
ORDER TYPE	REVISION-01	AGENCY ESTIMATE NO
CONTRACT NUMBER	1861	BROADCAST MONTH
SCHEDULE DATES	3/10-03/25/06	BILLING PERIOD
	STANDARD	

SCHEDULE										ACTUAL BROADCAST										RECONCILIATION	
M	TU	W	TH	F	SA	SU	TIME	RATE	NO.	DATES	DAY	TIME	MTWTFSS	LG FOR	PRODUCT/FILM	RATE	DEBIT	CREDIT	REMARKS		
				X			1104AM	150.00	1	3/10	FR	1104A	30 00		4108	150.00					
				X			1204PM	200.00	3	3/11	SA	1204P	30 00		4108	200.00					
					X		1204AM	50.00	3	3/18	SA	1204A	30 00		4108	50.00					
						X	0604AM	75.00	1	3/12	SU	604A	30 00		4108	75.00					
						X	1104AM	150.00	2	3/14	TU	1104A	30 00		4108	150.00					
				X			1134AM	125.00	5	3/13	MO	1134A	30 00		4108	125.00					
										3/16	TH	1134A	30 00		4108	125.00					
										3/17	FR	1134A	30 00		4108	125.00					
										3/20	MO	1134A	30 00		4108	125.00					
										3/23	TH	1134A	30 00		4108	125.00					
										3/24	FR	1134A	30 00		4108	125.00					
SCHEDULE COST FOR THIS BILLING PERIOD										2,025.00											
ACTUAL GROSS BILLING										2,025.00											
AGENCY COMMISSION										303.75											
NET DUE										1,721.25											
SUB-TOTALS																					
RECONCILIATION																					

FILE COPY

LANNA KAY VERNER

Notary Public, State of Texas

My Commission Expires

March 18, 2009

Station KSNV-TV warrants that the information shown on this invoice concerning the dates, times, durations, commercial identifications and sponsors of commercial announcements broadcast, is true and correct and was taken from the Commercial Record produced and maintained at the station, and will be made available, as will other records adequate to verify performance of conditions of sales, on request, for inspections by Advertiser or Agency for a minimum of 12-months from the month of Broadcast.

Audrey Johnston, Accounting Assistant, KSNV-TV

Subscribed and sworn to before me this 28 day

of March 2008

Lanna Kay Verner

Notary Public, Taylor County

FILE COPY

ANNA KAY VERNER
 Notary Public, State of Texas
 My Commission Expires
 March 18, 2009

Station KSAN-TV warrants that the information shown on this invoice concerning the dates, times, durations, commercial identifications and sponsors of commercial announcements broadcast, is true and correct and was taken from the Commercial Record produced and maintained at the station, and will be made available, as will other records adequate to verify performance of conditions of sales, on request, for inspections by Advertiser of Agency for a minimum of 12-months from the month of Broadcast.

Andrew Johnston
 Andrew Johnston, Accounting, KSAN-TV
 Subscribed and sworn to before me this 28 day
 of March 2006
Anna Kay Verner
 Notary Public, Taylor County

INVOICE

Invoice Date: 2/28/06 Page 1

Invoice Number: 879

Order Dates: 1/30/06 - 2/19/06

Billing Dates: 1/30/06 - 2/26/06

Descr: ALL AMERICAN CJD

Cust Ord No: FEB 2006 SHOW THE LOVE I
(634)

Contract Number: 26181

lease Sage Broadcasting Corp.
emit To: P.O. BOX 3242
SAN ANGELO, TX 76902
STATION: KIDY-TV

o: LAD ACCOUNTING
360 E JACKSON ST

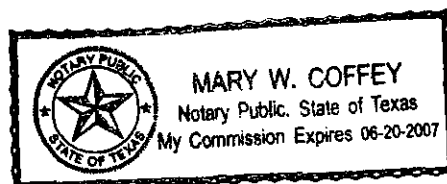
MEDFORD, OR 97501

vertiser: ALL AMERICAN CJD OF SA (696)

erms: DUE UPON RECEIPT

Acct Exec: PAM WINN

in Date	Time	Description	M/G FOR	Length	Rate	Qty	Amount
2/03/06	2:00a	PAID PROGRAM		28:30	100.00	1	100.00
2/03/06	3:00a	PAID PROGRAM		28:30	100.00	1	100.00
2/04/06	3:00p	PAID PROGRAM		28:30	400.00		
2/11/06	3:00p	PAID PROGRAM		28:30	400.00	2	800.00
2/07/06	2:00a	PAID PROGRAM		28:30	100.00		
2/14/06	2:00a	PAID PROGRAM		28:30	100.00	2	200.00
2/07/06	3:00a	PAID PROGRAM		28:30	100.00		
2/14/06	3:00a	PAID PROGRAM		28:30	100.00	2	200.00
2/18/06	4:00p	PAID PROGRAM		28:30	400.00	1	400.00
2/09/06	3:00a	PAID PROGRAM		28:30	100.00		
2/16/06	3:00a	PAID PROGRAM		28:30	100.00	2	200.00



11 2000.00

we warrant that the schedule charged
for on the above affidavit was broad
cast and announcements were aired
within 15 min of the times shown in
accordance with the official log.

Less Agency Comm: 300.00

Total Amount Due: 1700.00